

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**RE: PETITION OF TOWNS OF AQUINNAH, BARNSTABLE,
BOURNE, BREWSTER, CHATHAM, CHILMARK, DENNIS,
EASTHAM, EDGARTOWN, FALMOUTH, HARWICH,
MASHPEE, OAK BLUFFS, ORLEANS, PROVINCETOWN,
SANDWICH, TISBURY, TRURO, WELLFLEET
WEST TISBURY, AND YARMOUTH AND COUNTIES OF
BARNSTABLE AND DUKES**

**(acting as the CAPE LIGHT COMPACT) DTE 00-____
FOR CERTIFICATION OF ENERGY PLAN**

**PETITION OF CAPE LIGHT COMPACT
SEEKING CERTIFICATION OF ENERGY PLAN**

• INTRODUCTION

- The Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans,¹ Provincetown,⁽¹⁾ Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth, and the counties of Barnstable and Dukes County⁽²⁾, acting together as the Cape Light Compact ("Compact"), hereby submit to the Department of Telecommunications and Energy ("Department") their Energy Plan ("Plan") for certification pursuant to G.L. c. 164, §134(b) ("Section 134(b)").
- Under Section 134(b), a "municipality or group of municipalities

establishing a load aggregation program" is allowed to "adopt an energy plan" describing how the "municipality or group of municipalities may implement demand side management programs." Municipalities must submit the energy plan to the Department "to certify that it is consistent with any . . . state energy conservation goals."

- On August 10, 2000, the Department approved the Compact's Aggregation Plan. DTE 00-47.
- By having an approved Aggregation Plan, the Compact meets the requirement of "establishing a load aggregation program" within the meaning of Section 134(b).
- The Division of Energy Resources ("DOER"), which has statutory authority to oversee and coordinate energy efficiency programs under G.L. c. 25A, §11G, has offered its opinion that the Compact has met all of DOER's criteria for a municipality to be "establishing a load aggregation program."⁽³⁾
- DOER has also offered its opinion that the Compact's Plan is consistent with state energy conservation goals adopted by DOER.³ While DOER's opinion is not binding on the Department, the Plan is in fact wholly consistent with state energy conservation goals and the Department should so find.
- The Compact's Plan and the programs contained therein meet the Department's cost effectiveness tests as established in DTE 98-100.
- The Compact's member towns have taken the votes required by G.L. c. 164, §134(b) to adopt an energy plan. See Attachment A for copies of votes.

- **OVERVIEW OF THE FILING**

9. The Compact is submitting the following documents with this Petition:

- Cape Light Compact Energy Efficiency Plan;
- Report of the Cape Light Compact on Its Energy Efficiency Plan;
- Statement of Tim Woolf (Synapse Energy Economics) on the Cape Light Compact Energy Efficiency Plan;
- Compact's Memorandum on Procedures to Certify Energy Plan;
and
- Compact's Memorandum of Law.

REQUESTED PROCEDURES TO REVIEW THE PLAN

10. The Compact has submitted a separate Memorandum on Procedures requesting the specific procedures that the Department should follow in this case. In brief, the Compact urges the Department to conduct its review expeditiously in order to allow the Compact to: (i) obtain the Department's certification of its Plan by March 1, 2001; (ii) obtain advance access to administrative funds by April, 2001, and (iii) begin implementing energy efficiency programs by July 1, 2001. This will allow the Compact to administer energy efficiency funds collected under G.L. c. 25, §19 for at least eighteen months, as the funding provisions of §19 expire at the end of 2002 in the absence of reauthorization by the legislature.⁽⁴⁾

- **PRAYERS FOR RELIEF**

11. Wherefore, the Compact respectfully requests that the Department certify that its Plan is consistent with state energy conservation goals and that it meets the cost-effectiveness tests articulated by the Department in DTE 98-100. The Compact further requests that the Department that the Compact be granted access to a *pro rata* share of the energy efficiency funds that will be collected under G.L. c. 25, §19, as of July 1, 2001. Finally, the Compact asks that it be granted advance access to a portion of the funds as early as April 1, 2001, as detailed in the Statement of Tim Woolf, to allow it to smoothly implement the transition from Commonwealth Electric to the Compact as program administrator.

Respectfully submitted,

December 4, 2000

Charles Harak, Esq. (charak@bck.com)

Jeffrey M. Bernstein, Esq. (jbernstein@bck.com)

BERNSTEIN, CUSHNER & KIMMELL, P.C.

585 Boylston Street, Suite 200

Boston, MA 02116

617-236-4090 (voice)

617-236-4339 (fax)

1. Orleans and Provincetown will not formally take their votes to approve the Energy Plan until February and April, 2001, respectively.
2. The two named counties join in this Petition in their capacity as members of the Cape Light Compact and in support of the Compact's twenty-one member towns, all of which lie within Barnstable County and Dukes County. It is the towns, not the counties themselves, that formally seek certification of the energy plan under Section 134(b).
3. See November 16, 2000 letter of DOER to Cape Light Compact. This letter is attached to the Compact's Memorandum of Law that addresses the issue of when a municipality is "establishing a load aggregation program."
4. Should the legislature extend the funding authorization, the Compact expects to continue administering the energy efficiency funds.